

**U.S. District Court**  
**Eastern District of New York (Central Islip)**  
**CIVIL DOCKET FOR CASE #: 2:17-cv-06360-ADS-GRB**

Rutigliano v. U.S. Department of Justice  
Assigned to: Judge Arthur D. Spatt  
Referred to: Magistrate Judge Gary R. Brown  
Cause: 05:552 Freedom of Information Act

Date Filed: 11/01/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Joseph Rutigliano**

represented by **Joseph W. Ryan , Jr.**  
Joseph W. Ryan, Jr. P.C.  
Melville Law Center  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Department of Justice**

represented by **Vincent Lipari**  
United States Attorneys Office  
Eastern District of New York  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/01/2017	<u>2</u>	Civil Cover Sheet.. by joseph rutigliano (Ryan, Joseph) (Entered: 11/01/2017)
11/01/2017	<u>3</u>	Proposed Summons. by joseph rutigliano (Ryan, Joseph) (Entered: 11/01/2017)
11/01/2017	<u>4</u>	Proposed Summons. by joseph rutigliano (Attachments: # <u>1</u> Proposed Summons) (Ryan, Joseph) (Entered: 11/01/2017)
11/01/2017	<u>1</u>	COMPLAINT against U.S. Department of Justice, Was the Disclosure Statement on Civil Cover Sheet completed -No, filed by Joseph Rutigliano. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Rodin, Deanna) Modified document number on 11/2/2017 (Rodin, Deanna). (Main Document 1 replaced on 12/7/2017) (Coleman, Laurie). Modified on 12/7/2017 with the permission of chambers to replace the complaint with a corrected complaint as the original complaint had inadvertently omitted page 4. (Coleman, Laurie). (Entered: 11/02/2017)
11/01/2017		FILING FEE: \$ 400, receipt number 0207-9948239 (Rodin, Deanna) (Entered: 11/02/2017)
11/02/2017		Incorrect Document Entry Information. Parties were added to the case incorrectly and complaint was enter as against plaintiff; parties were deleted and re-entered; then document entry #1 was deleted and re-entered against corrected defendant. (Rodin, Deanna) (Entered: 11/02/2017)
11/02/2017	<u>5</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (Rodin, Deanna) (Entered: 11/02/2017)

11/02/2017		Case Assigned to Judge Arthur D. Spatt and Magistrate Judge Gary R. Brown. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Rodin, Deanna) (Entered: 11/02/2017)
11/02/2017	<u>6</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Rodin, Deanna) (Entered: 11/02/2017)
11/02/2017	<u>7</u>	Summons Issued as to U.S. Department of Justice, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons Acting United States Attorney, # <u>2</u> Summons U.S. Attorney General) (Rodin, Deanna) (Entered: 11/02/2017)
12/01/2017		Incorrect Case/Document/Entry Information. With the permission of chambers, the #8 corrected Complaint has been deleted from the above-referenced case. A copy of the corrected complaint was attached to the <u>1</u> original complaint to replace the previous copy which had inadvertently omitted page #4. There will no longer be a document #8 in the above-referenced case. All corrections have been made. No action is required by counsel. (Coleman, Laurie) (Entered: 12/07/2017)
12/06/2017	<u>9</u>	MOTION for Extension of Time to File Answer re 8 Complaint by U.S. Department of Justice. (Lipari, Vincent) (Entered: 12/06/2017)
12/07/2017		Electronic ORDER granting <u>9</u> Motion for Extension of Time to Answer re 8 Complaint. The U.S. Department of Justice shall file a responsive pleading on or before 12/22/2017. Ordered by Judge Arthur D. Spatt on 12/7/2017. (Roberts, Joshua) (Entered: 12/07/2017)
12/15/2017	<u>10</u>	ANSWER to <u>1</u> Complaint,, by U.S. Department of Justice. (Lipari, Vincent) (Entered: 12/15/2017)
01/10/2018		SCHEDULING ORDER: A Status Conference is set for 1/23/2018 at 02:00 PM in Courtroom 840 before Magistrate Judge Gary R. Brown. Ordered by Magistrate Judge Gary R. Brown on 1/10/2018. (McMorrow, Karen) (Entered: 01/10/2018)
01/12/2018	<u>11</u>	Letter <i>RE: INITIAL CONFERENCE</i> by Joseph Rutigliano (Ryan, Joseph) (Entered: 01/12/2018)
01/23/2018		Minute Entry for proceedings held before Magistrate Judge Gary R. Brown:Initial Conference Hearing held on 1/23/2018. Joseph Ryan for plaintiff; Vincent Lipari for the Government. No discovery order issued. The Government will submit a status letter in 1 week.(FTR Log #2:11-2:41.) (McMorrow, Karen) (Entered: 01/24/2018)
02/02/2018	<u>12</u>	STATUS REPORT by U.S. Department of Justice (Lipari, Vincent) (Entered: 02/02/2018)
02/05/2018	<u>13</u>	Letter <i>RESPONSE STATUS REPORT</i> by Joseph Rutigliano (Ryan, Joseph) (Entered: 02/05/2018)
03/12/2018		ELECTRONIC ORDER re <u>13</u> Letter filed by Joseph Rutigliano, <u>12</u> Status Report filed by U.S. Department of Justice. In light of plaintiff's letter to the Court, should defendant agree to a potential resolution conference of this matter, the parties should confer and provide alternative dates to schedule such a conference. Ordered by Magistrate Judge Gary R. Brown on 3/12/2018. c/ecf (Johnston, Linda) (Entered: 03/12/2018)
03/20/2018	<u>14</u>	AMENDED COMPLAINT against Joseph Rutigliano, filed by Joseph Rutigliano. (Ryan, Joseph) (Entered: 03/20/2018)
03/20/2018	<u>15</u>	Letter <i>FOR STATUS CONFERENCE</i> by Joseph Rutigliano (Ryan, Joseph) (Entered: 03/20/2018)

03/22/2018		ELECTRONIC ORDER re <u>15</u> Letter filed by Joseph Rutigliano. Plaintiff's application for an in-person status conference before the undersigned is denied, with leave to renew. There is no indication that plaintiff conferred with defense counsel on this application prior to submission of this request. Should plaintiff seek to renew its application, plaintiff is required to first confer with defendant and submit possible dates that would be convenient for both parties. Ordered by Magistrate Judge Gary R. Brown on 3/22/2018. c/ecf (Johnston, Linda) (Entered: 03/22/2018)
04/05/2018	<u>16</u>	ANSWER to <u>14</u> Amended Complaint by U.S. Department of Justice. (Lipari, Vincent) (Entered: 04/05/2018)
07/20/2018	<u>17</u>	Letter motion for <i>pre-motion conference</i> by Joseph Rutigliano (Ryan, Joseph) Modified on 7/23/2018 for statistical purposes (Coleman, Laurie). (Entered: 07/20/2018)
07/25/2018	<u>18</u>	MOTION for pre motion conference <i>for leave to move for summary judgment of dismissal</i> by U.S. Department of Justice. (Attachments: # <u>1</u> Rule 56.1 Statement, # <u>2</u> Rule 56.1 Statement) (Lipari, Vincent) (Entered: 07/25/2018)
08/22/2018		Electronic ORDER granting <u>17</u> Motion for Pre Motion Conference. An in-person conference has been scheduled before the undersigned for 10/29/2018 at 09:00 AM in Courtroom 1020 of the Central Islip courthouse. Counsel for all parties shall appear authorized and prepared to discuss settlement at that time. Any requests to adjourn the conference date shall be made in writing on ECF and include at least three proposed alternative dates on which all sides are available. So Ordered by Judge Arthur D. Spatt on 8/22/2018. (Roberts, Joshua) (Entered: 08/22/2018)
10/29/2018	<u>19</u>	MINUTE ENTRY for proceedings held before Judge Arthur D. Spatt: Pre-Motion Conference held on 10/29/2018. Case called. Counsel for all sides present. Pre-Motion Conference held. A briefing schedule was set for defendant to move for summary judgment. (Coleman, Laurie) (Entered: 10/31/2018)
12/14/2018	<u>20</u>	First MOTION for Summary Judgment by Joseph Rutigliano. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (Ryan, Joseph) (Entered: 12/14/2018)
02/20/2019	<u>21</u>	REPLY in Support of <i>Disclosure</i> filed by Joseph Rutigliano. (Ryan, Joseph) (Entered: 02/20/2019)
02/27/2019		Electronic ORDER finding as moot <u>18</u> Motion for Pre Motion Conference. Ordered by Judge Arthur D. Spatt on 2/27/2019. (Roberts, Joshua) (Entered: 02/27/2019)
03/04/2019	<u>22</u>	RULE 56.1 STATEMENT filed by U.S. Department of Justice. (Lipari, Vincent) (Entered: 03/04/2019)
03/04/2019	<u>23</u>	RULE 56.1 STATEMENT ( <i>counter-statement to plaintiff's 56.1 statement</i> ) filed by U.S. Department of Justice. (Lipari, Vincent) (Entered: 03/04/2019)
03/04/2019	<u>24</u>	DECLARATION of <i>Tricia Francis in support of DOJ's motion for summary judgment, with annexed exhibits</i> by U.S. Department of Justice (Lipari, Vincent) (Entered: 03/04/2019)
03/04/2019	<u>25</u>	MEMORANDUM in Support of <i>DOJ's motion for summary judgment</i> filed by U.S. Department of Justice. (Lipari, Vincent) (Entered: 03/04/2019)
03/04/2019	<u>26</u>	REPLY in Support of <i>DOJ's motion for summary judgment</i> filed by U.S. Department of Justice. (Lipari, Vincent) (Entered: 03/04/2019)